

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LEON ROBINSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO. 04-11023-RCL
)	
THOMAS MENINO, ET AL.,)	
)	
Defendants.)	
)	

**RESPONSE OF DEFENDANTS AMERICAN BROADCASTING COMPANIES, INC.,
HEARST-ARGYLE STATION INC., AND WCVB TV (CHANNEL 5, BOSTON) TO
SECOND MOTION TO STAY PROCEEDINGS FILED BY DEFENDANTS EVANS,
WYSE, PRIMM, MARTEL, ROCK, MITCHELL AND HARDY**

Defendants American Broadcasting Companies, Inc., Hearst-Argyle Station Inc. and WCVB TV (Channel 5, Boston) (collectively, the “ABC Defendants”) respectfully submit this response to the Second Motion to Stay Proceedings filed by defendants Evans, Wyse, Primm, Martel, Rock, Mitchell and Hardy.

1. Defendants Evans, Wyse, Primm, Martel, Rock, Mitchell and Hardy (all present or former employees of the Boston Police Department) have moved for a stay of these proceedings until completion of the criminal charges pending against the plaintiff in state court. See generally Guerro v. Mulhearn, 498 F.2d 1249, 1255 (1st Cir. 1974).

2. Plaintiff’s claims against the ABC Defendants arise out of the same search and seizure challenged in his claims against the moving parties.

3. The ABC Defendants have no objection to the issuance of a stay pending the outcome of plaintiff’s criminal trial provided that the stay is of all claims asserted by the plaintiff herein and is without prejudice to the right of the ABC Defendants to assert all of their defenses (including the statute of limitations) upon the lifting of the stay.

Respectfully submitted,

**AMERICAN BROADCASTING COMPANIES,
INC. and HEARST-ARGYLE TELEVISION,
INC. d/b/a WCVB-TV CHANNEL 5,**

By their attorneys,

/s/ Brandon L. Bigelow

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Dated: April 27, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the plaintiff Leon Robinson (A-225594), Old Colony Correctional Center, Bridgewater, MA 02324 by mail and on counsel of record through the ECF/CM system on April 27, 2005.

/s/ Brandon L. Bigelow

Brandon L. Bigelow